

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Edward Michael Tucker,
Debtor.

Chapter 7

Bankruptcy No. 23-11397

Hon. A. Benjamin Goldgar

NOTICE OF MOTION

Please take notice that on **Monday, November 13, 2023, at 9:30 A.M.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable A. Benjamin Goldgar, United States Bankruptcy Judge for the Northern District of Illinois, or any judge sitting in his place and stead, **either** in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, **or** electronically as described below, and shall then and there present the **Trustee's Motion to Authorize Rule 2004 Examination of Violet Johnson**, a copy of which is attached hereto and herewith served upon you.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link:
<https://www.zoomgov.com/>. Then enter the meeting ID.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID, password, and other information can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Dated: November 3, 2023

Deborah K. Ebner, not
individually but as the chapter 7
trustee of the bankruptcy estate of
Edward Michael Tucker

By: /s/ Ariane Holtschlag
One of Her Proposed Attorneys

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CERTIFICATE OF SERVICE

I, Ariane Holtschlag, an attorney, hereby certify that on November 3, 2023, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served on the parties listed below by electronic notice where indicated by the presence of an electronic address or by first class mail where indicated by the presence of a postal address.

/s/ Ariane Holtschlag

SERVICE LIST

Registrants

(Service via ECF)

Deborah Kanner Ebner

dkebner@debnertrustee.com;
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Patrick S Layng

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Non-Registrants

(Service via U.S. Mail)

Edward Michael Tucker 1962 E 71st Apt 603 Chicago, IL 60649	Violet Johnson 281 South Warrington Rd. Des Plaines, IL 60016 <i>VJFRUIT281@gmail.com</i> <i>Via U.S. Mail and Electronic Mail</i>
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Edward Michael Tucker,

Debtor.

Chapter 7

Bankruptcy No. 23-11397

Hon. A. Benjamin Goldgar

**TRUSTEE'S MOTION TO AUTHORIZE RULE 2004 EXAMINATION
OF VIOLET JOHNSON**

Deborah K. Ebner, not individually but as the chapter 7 trustee (the “**Trustee**”) of the bankruptcy estate of Edward Michael Tucker (the “**Debtor**”) respectfully requests an order from this Court authorizing the Trustee to conduct a Rule 2004 examination of Violet Johnson (“**Johnson**” or the “**Examinee**”) pursuant to Fed. R. Bankr. P. (“**Bankruptcy Rule**”) 2004. In support of this motion the Trustee states as follows:

JURISDICTION

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.

2. Venue of the above-captioned case (the “**Case**”) and of this Application is proper in this Judicial District pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A) and (O).

BACKGROUND

3. On August 29, 2023 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 7 of title 11, United States Code (the “**Bankruptcy Code**”), thereby initiating the Case.

4. Deborah K. Ebner was thereafter appointed as the interim trustee in the Case pursuant 11 U.S.C. § 701 and now serves as the permanent trustee in the Case. The Trustee is duly qualified and has all the powers of a trustee under, among other provisions, 11 U.S.C. § 704.

5. The Trustee is investigating the assets and financial affairs of the Debtor.

6. The Debtor testified that in November 2022, while renting a room from Violet Johnson, the Debtor was attacked by another occupant who was the nephew of the landlord and who was on the premises with the landlord's permission. The attack left Debtor blind in one eye.

7. The Trustee attempted to contact the Debtor's landlord, Violet Johnson, to obtain additional information about the attack as well as documentation of any insurance policies in place at the time that may cover the damages. To date, Violet Johnson has not replied to the Trustee's inquiries.

8. Accordingly, the Trustee now requests authority to take a 2004 examination of Violet Johnson.

DISCUSSION

9. Under Bankruptcy Rule 2004, the Trustee is entitled to examine the Debtor(s) and other parties concerning the acts, conduct, property, liabilities and financial condition of the Debtor(s) or any matter which may affect the administration of the Estate. Upon entry of an order authorizing an examination pursuant to Rule 2004, the production of documents and attendance of witnesses for examination may be compelled by subpoena as provided in Bankruptcy Rule 9016. Fed. R. Bankr. P. 2004(c).

10. It is generally recognized that "[t]he scope of inquiry under Bankruptcy Rule 2004 is very broad. Great latitude of inquiry is ordinarily

permitted.” *In re Handy Andy Home Improvement Centers, Inc.*, 199 B.R. 376, 379 (Bankr. N.D. Ill. 1996). Because “the primary purpose of a Rule 2004 examination is to permit the trustee to quickly ascertain the extent and location of the estate’s assets,” courts recognize that Rule 2004 allows for a “fishing expedition” of the creditors and other parties that had dealings with the debtor without the limits placed upon an examination under the Federal Rules of Civil Procedure. *Id.* at 380. See also *Pontikes v. SIP Claimants* (In re Comdisco, Inc.), No. 06 C 1535, 2006 WL 2375458, at *6 (N.D. Ill. Aug. 14, 2006); *In re Wilcher*, 56 B.R. 428, 433 (Bankr. N.D. Ill. 1985).

11. Under the plain language of Bankruptcy Rule 2004, the Trustee is entitled to conduct a Rule 2004 examination of Violet Johnson, including requesting the production of documents and taking oral examinations, in order to obtain the information and documents needed for an effective administration of this Estate.

WHEREFORE, the Trustee requests that the Court enter an order authorizing the Trustee to conduct a 2004 examination of Violet Johnson and granting the Trustee such other and further relief as is just and proper.

Dated: November 3, 2023

Deborah K. Ebner, not
individually but as the chapter 7
trustee of the bankruptcy estate of
Edward Michael Tucker

By: /s/ Ariane Holtschlag
One of Her Proposed Attorneys

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